

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/19/2023
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JOSE ALBA,

Plaintiff,

**ORDER TO UNSEAL  
CRIMINAL RECORDS**

-against-

23 Civ. 8619 (LAK) (BCM)

CITY OF NEW YORK, et al.,

Defendants.  
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**WHEREAS**, plaintiff Jose Alba (NYSID: 00596193M) has asserted claims in this action implicating the facts and circumstances of his arrest on July 1, 2022 (Arrest No. M22624807), and subsequent prosecution (Docket No. CR-017778-22NY);

**WHEREAS**, the New York City Police Department (“NYPD”) conducted an investigation into the events underlying the plaintiff’s arrest;

**WHEREAS**, the District Attorney for New York County (“DANY”), upon information and belief, initiated a criminal prosecution relating to plaintiff’s arrest;

**WHEREAS**, documents pertaining to the NYPD and DANY investigations and related criminal proceedings may be relevant to this action; and

**WHEREAS**, upon information and belief, all NYPD, DANY, and Criminal Court documents relating to plaintiff’s arrest have been sealed pursuant to N.Y. Crim. Proc. L. §§ 160.50 and/or 160.55, and cannot be obtained or produced without an unsealing order.

**IT IS HEREBY ORDERED** that the records relating to plaintiff’s arrest, and to the NYPD and DANY investigations and criminal proceedings related to said incident, including, but not limited to, the Criminal Court file, NYPD investigative and detective files, the DANY records relating to the incident, as well as any arrest and prosecution, and the minutes of

any proceeding, including any and all statements by police officers, witnesses, and the criminal defendants which were ordered sealed pursuant to N.Y. Crim. Proc. L. § 160.50, be unsealed pursuant to N.Y. Crim. Proc. L. § 160.50 and made available to the defendants, by their attorney Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, or to her authorized representatives, for inspection, photocopying, and use in this federal action brought by plaintiff;

**IT IS FURTHER ORDERED** that the City of New York, including the Office of the Corporation Counsel and the New York City Police Department, as well as the Criminal Court of the State of New York, and the Office of the District Attorney for New York County, shall not be bound by the statutory sealing requirements of N.Y. Crim. Proc. L. §§ 160.50 for all documents relating to and arising out of the arrest of plaintiff on July 1, 2022;

**IT IS FURTHER ORDERED** that the use of the above-referenced records is restricted to use in the above-entitled civil rights action.

**SO ORDERED.**

Dated: October 19, 2023  
New York, New York



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HON. BARBARA C. MOSES  
UNITED STATES MAGISTRATE JUDGE